HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 3867/2022

Mukesh Nath S/o Babunath, Aged About 26 Years, R/o 15/211 Ganeshnagar Payda University Road P.S. Pratapnagar Udaipur Raj.

----Petitioner

Versus

1. Meenal Jain W/o Mukesh Nath D/o Vinod Jain, R/o 3-A, In Front Of Jodhpur Dairy Ashok Nagar Ward No. 61 Tehsil Girwa Dist. Udaipur
2. Miss. Lubhani Jain D/o Shri Mukesh Nath, Minor Through Her Legal Guardian Mother Smt. Meenal Jain (Respondent No. 1) R/o 3-A, In Front Of Jodhpur Dairy Ashok Nagar Ward No. 61 Tehsil Girwa Dist. Udaipur

----Respondents

Rajasthan High Court
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सत्यमेव जयते
RAJASTHAN HIGH COURT

For Petitioner(s)	:	Mr. Siddharth Mandawat for Mr. Deelip Kawadia
For Respondent(s)	:	Mr. S.K. Bhati, Public Prosecutor

JUSTICE DINESH MEHTA

Order

08/07/2022

1. The present petition has been filed by the petitioner seeking quashment of the order dated 16.03.2022, passed by the learned Family Court, No.2, Udaipur whereby, the court below has awarded an interim maintenance amount of Rs.4,000/- per month to the respondent No.1 and Rs.2000/- to the respondent No.2.

2. So far as the quantum of amount is concerned, this Court does not find it to be excessive and unreasonably high, considering that the petitioner is in private job and is earning Rs.10,000/- per month.

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3. So far as the ground of paying the interim maintenance from the date of filing of the application is concerned, this Court is of the view that in teeth of the provisions contained under sub-section (2) of Section 125 of Code of Criminal Procedure, 1973, the amount cannot be awarded from the date of filing the application.

4. Matter requires consideration.

5. Issue notice. Issue notice of the stay application also, returnable within a period of six weeks.

6. List the matter after six weeks.

7. Meanwhile, effect and operation of the order dated 16.03.2022 to the extent of awarding pendente lite maintenance from 29.10.2020 (the date of application) and till the disposal of the application or having sufficient means of livelihood with the respondent No.1 and or till the time the respondent No.2 turns adult, whichever is earlier, shall remain stayed.

8. Needless to observe that the petitioner shall be required to pay monthly maintenance from the date of order, i.e., 16.03.2022. Arrears if any be cleared by 30.08.2022.

(DINESH MEHTA),J

231-Ramesh/-

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